

Message

From: Kupchan, Simma [Kupchan.Simma@epa.gov]
Sent: 10/29/2018 7:13:06 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]
CC: Wehling, Carrie [Wehling.Carrie@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]
Subject: RE: Update from FL assumption workgroup call

Great; thanks. We will pass along to the Region and ask them to inform us when they plan to send to the state.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Fotouhi, David
Sent: Monday, October 29, 2018 2:59 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Update from FL assumption workgroup call

These drafts look good to me; thank you.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Kupchan, Simma
Sent: Monday, October 29, 2018 12:49 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Update from FL assumption workgroup call

David,

Thanks for your input. Attached are revised drafts of the DEP and Corps MOAs, which we think are ready and appropriate for RA review and sharing with DEP, pending your review and approval. Alexis has revised the DEP MOA to

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We have also incorporated a few staff level comments from R4. We have highlighted those edits and explanations in yellow so that you can see them easily. We would remove the yellow highlight when sending back to R4.

Please let us know if you have any proposed edits, questions, or concerns about these drafts, and/or when you think they are ready for transmission back to the Region to send to DEP.

Thanks for your attention.

Simma Kupchan

EPA Office of General Counsel
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WJC North Building # 7426Q
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From: Fotouhi, David
Sent: Monday, October 29, 2018 9:51 AM
To: Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Update from FL assumption workgroup call

Ex. 5 Deliberative Process (DP)

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
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fotouhi.david@epa.gov

From: Wade, Alexis
Sent: Monday, October 29, 2018 9:39 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Update from FL assumption workgroup call

I can work on taking out the sections and adding brackets.

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Alexis Wade
Attorney-Adviser
Water Law Office
EPA Office of General Counsel
(202) 564-3273

From: Fotouhi, David
Sent: Monday, October 29, 2018 9:13 AM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
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Thanks, Simma. I think we need to share a draft of some kind with the State.

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My initial request to pause was to allow time for one more review by Matt and me before sharing the draft.

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Ex. 5 Deliberative Process (DP) Let me know your thoughts about this approach.

David Fotouhi

Principal Deputy General Counsel
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fotouhi.david@epa.gov

From: Kupchan, Simma
Sent: Thursday, October 25, 2018 5:22 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: RE: Update from FL assumption workgroup call

David,

(This can wait till next week – hope you enjoyed the weekend!)

In taking another close look at the FDEP MOA with Region 4 staff (latest draft attached for reference), and receiving some edits from them, Alexis and I

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Ex. 5 Deliberative Process (DP) Thanks for your attention and feedback.

Simma Kupchan
EPA Office of General Counsel
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From: Fotouhi, David
Sent: Thursday, October 25, 2018 1:16 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Wehling, Carrie <Wehling.Carrie@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Subject: Re: Update from FL assumption workgroup call

Thanks very much

Sent from my iPhone

On Oct 25, 2018, at 1:13 PM, Kupchan, Simma <Kupchan.Simma@epa.gov> wrote:

Hi David,

The Region assured me they would let me know when they passed the MOA to the RA for potential transmission to Florida, but I have not heard anything yet. I will let you know as soon as I hear anything.

In the meantime, attached is the draft they would share, with comments removed and edits anonymized.

Please let me know if you have further questions. Thanks.

Simma Kupchan
EPA Office of General Counsel
Water Law Office
WJC North Building # 7426Q
202-564-3105

From: Fotouhi, David
Sent: Thursday, October 25, 2018 12:33 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Wade, Alexis <Wade.Alexis@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>;
Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: Re: Update from FL assumption workgroup call

Thanks, Alexis.

Also, could you ask the region if the draft EPA-FDEP MOA was shared with the state and send me the as-sent document?

Sent from my iPhone

On Oct 25, 2018, at 9:05 AM, Wehling, Carrie <Wehling.Carrie@epa.gov> wrote:

Thank you, Alexis. Very helpful.
Would be good if DOI could provide specific wording suggestions...I know that's asking a lot given the cast of characters but it would help focus things.
Thanks.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
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From: Wade, Alexis
Sent: Wednesday, October 24, 2018 6:34 PM
To: Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: Update from FL assumption workgroup call

Hello David –

The call with R4 and DOI went well. I think they need some time to really digest the document and how the process in the MOA will work. The next step is for DOI to talk internally and let us know tomorrow if they will be able to provide meaningful comments on a call next week. R4 put a hold on our calendars for Wednesday at 3.

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Let me know if you have any questions.

Thanks,
Alexis

Alexis Wade
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<FL EPA MOA Redline version for sharing with FDEP 10.24.18.docx>